

DECLARATION FOR PATENT APPLICATION

99S0919-1

As a below named inventor, I declare:
that I verily believe myself to be the original, first and sole (if only one individual inventor is listed below) or an original, first and joint inventor (if more than one individual inventor is listed below) of the invention in

MODIFIED CRE RECOMBINASE GENE FOR MAMMALS

the specification of which is attached hereto unless the following box is checked.

was filed on _____ as United States Application
or PCT International Application No. _____, and
was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information of which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 35 U.S.C. 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Category</u>	<u>Application No.</u>	<u>Filing Date</u>	<u>Priority Claim</u>
Japan	Patent	11-264364	September 17, 1999	Yes

And I hereby appoint Norman F. Oblon (Reg. No. 24,618), Marvin J. Spivak (Reg. No. 24,913), C. Irvin McClelland (Reg. No. 21,124), Gregory J. Maier (Reg. No. 25,599), Arthur I. Neustadt (Reg. No. 24,854), Richard D. Kelly (Reg. No. 27,757), James D. Hamilton (Reg. No. 28,421), Eckhard H. Kuesters (Reg. No. 28,870), Robert T. Pous (Reg. No. 29,099), Charles L. Gholz (Reg. No. 26,395), Vincent J. Sunderdick (Reg. No. 29,004), William E. Beaumont (Reg. No. 30,996), Robert F. Gnuse (Reg. No. 27,295), Jean-paul Lavallee (Reg. No. 31,451), Stephen G. Baxter (Reg. No. 32,884), Robert W. Hahl (Reg. No. 33,893), Richard L. Treanor (Reg. No. 36,379), Steven P. Weihrouch (Reg. No. 32,829), John T. Goolkasian (Reg. No. 26,142), Richard L. Chinn (Reg. No. 34,305), Steven E. Lipman (Reg. No. 30,011), Carl E. Schlier (Reg. No. 34,426), James J. Kulbaski (Reg. No. 34,648), Richard A. Neifeild (Reg. No. 35,299), J. Derek Msaon (Reg. No. 35,270), Surinder Sachar (Reg. No. 34,423), Christina M. Gadiano (Reg. No. 37,628), Jeffrey B. McIntyre (Reg. No. 36,867), Paul E. Rauch (Reg. No. 38,591), William T. Enos (Reg. No. 33,128) and Michael E. McCabe, Jr., (Reg. No. 37,182) each of whose address is Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202, or any one of them, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent & Trademark Office connected therewith, and request that correspondence be directed to Oblon, Spivak, McClelland, Mailer & Neustadt, P.C., Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

DECLARATION FOR PATENT APPLICATION

99S0919-1

I declare further that my citizenship, residence and post office address are as stated below next to my name:

Inventor: (Signature)

Date

Residence and post office address

Date: August 18, 2000

Shuji Miyagawa

Shuji Miyagawa

10-6, Shimizucho, Ashiya-shi,
Hyogo-ken, Japan

Citizen of: Japan

Date: August 18, 2000

Citizen of: Japan

6-39-10, Onoharahigashi, Minoo-shi,
Osaka, Japan

Date:

Citizen of: Japan

Applicant or Patentee: Shuji Miyagawa, Masaru Okabe
Serial or Patent No.: New Application Atty. Dkt. No.: 197330US0
Filed or Issued: Herewith
For: MODIFIED CRE RECOMBINASE GENE FOR MAMMALS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION President of Osaka University
ADDRESS OF ORGANIZATION 1-1, Yamadaoka, Suita-shi, Osaka, Japan

TYPE OF ORGANIZATION

() UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
() TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c) (3))
() NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA

(NAME OF STATE _____)

(CITATION OF STATUTE _____)

(X) WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 USC 501(a) and 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

() WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA

(NAME OF STATE _____)

(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) or (b) of Title 35, United States Code with regard to the invention entitled MODIFIED CRE RECOMBINASE GENE FOR MAMMALS by inventor(s) _____ described in

Shuji Miyagawa, Masaru Okabe

(X) the specification filed herewith

() application serial no. _____, filed _____

() patent no. _____, issued _____

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

NAME _____

ADDRESS _____

() INDIVIDUAL () SMALL BUSINESS CONCERN () NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Tadamitsu Kishimoto

TITLE IN ORGANIZATION President

ADDRESS OF PERSON SIGNING 1-1, Yamadaoka, Suita-shi, Osaka, Japan

SIGNATURE Tadamitsu Kishimoto DATE August 18, 2000

PATENTS ONLY

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

JC916 U.S. PTO
09/662128
09/14/00

1. Name of conveying party(ies):
Shuji MIYAGAWA and Masaru OKABE

2. Name and address of receiving party(ies):
Name: President of Osaka University
Address: 1-1, Yamadaoka,
Suita-shi, Osaka, Japan

Additional name(s) of conveying party(ies) attached? Yes No

3. Nature of Conveyance:

Assignment Merger
 Security Agreement Change of Name
 Other

Execution Date: August 18, 2000

Additional name(s) and address(es) attached? Yes No

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: August 18, 2000

A. Patent Application No.(s)

B. Patent No.(s)

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence
concerning document should be mailed:

6. Total applications and patents involved: 1

7. Total fee (37 CFR 3.41): \$40.00

Enclosed
 Authorized to be charged to deposit account

8. Deposit account number: 15-0030
(Attach duplicate copy of this page if paying by deposit account)



22850

DO NOT USE THIS SPACE

9. Statement and signature

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy
of the original document.*

Norman F. Oblon

Name of Person Signing

Registration Number: 24,618

John M. Gullion
C. I. M. Gullion
Registration Number 21,124

Date

Total number of pages including this cover sheet: 3

Do not detach this portion

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents and Trademarks
Box Assignments
Washington, D.C. 20231

ASSIGNMENT

In consideration of value received, I, having a residence and post office address as stated below next to my name, the sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are listed below) of an invention described in an application for United States patent entitled:

MODIFIED CRE RECOMBINASE GENE FOR MAMMALS

said application having been filed on _____;
and assigned Serial No. _____;
sell and assign to
President of Osaka University
a Japanese government agency, located at
1-1, Yamadaoka, Suita-shi, Osaka, Japan

its successors, assigns or nominees, hereinafter referred to as "Assignee", my entire right, title and interest in and to said invention as disclosed, shown and described in said application for United States patent: (check one)

executed concurrently herewith;

executed separately herefrom;

and in and to all applications for patent and patents for said invention, in all countries of the world, including all divisions, reissues, continuations, substitutions and extensions thereof and all rights arising under or pursuant to any and all international agreements, treaties or laws relating to the protection of industrial property, including rights of priority, resulting from the filing of any of said applications, and I authorize and request any official whose duty is to issue patents, to issue any patent on said invention or resulting therefrom to said Assignee, and I agree that on request and without further consideration, but at the expense of said Assignee, I will communicate to said Assignee or its representatives all facts known to me respecting said invention and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue, or other applications, make all rightful oaths and declarations, and generally do everything possible to aid said Assignee to obtain and enforce proper patent protection for said invention in all countries.

I hereby grant the following law firm the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the Rules of the U.S. Patent and Trademark Office for recordation of this document.

Oblon, Spivak, McClelland, Maier & Neustadt, P.C., Fourth Floor, 1755 Jefferson Davis Highway, Arlington, Virginia 22202

ASSIGNMENT

Inventor: (Signature)DateResidence and post office addressShuji MiyagawaAugust 18, 200010-6, Shimizucho, Ashiya-shi,
Hyogo-ken, Japan

Shuji Miyagawa

Masaru OkabeAugust 18, 20006-39-10, Onoharahigashi, Minoo-shi,
Osaka, Japan

Masaru Okabe

RECORDING OFFICER:

After recording please return to:
Oblon, Spivak, McClelland,
Maier & Neustadt, P. C.

Fourth Floor,
1755 Jefferson Davis Highway,
Arlington, Virginia 22202